

COOL 162

B.G. Smith & Sons Oyster Co., Inc.

PHONE DAY (804) 394-2721

PLANTERS, PACKERS AND SHIPPERS
CHOICE RAPPAHANNOCK OYSTERSPHONE NIGHT (804) 394-9782
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SHUCKED AND SHELL STOCK

SHARPS, VIRGINIA 22548

February 2, 2005

Mr. Bill Sessions, Deputy Administrator
USDA Agriculture Marketing Service Association
Country of Origin Labeling Program

*Re: Docket No. LS-03-04: Mandatory Country of Origin Labeling of Fish and Shellfish,
Interim Final Rule*

Dear Sir:


B.G. Smith & Sons Oyster Co. Inc. favors the adoption of the current definition (Section 60.106) of *farmed-raised* shellfish.

Under the revised definition, oysters caught on public grounds are *wild raised* but can be within a few feet from private beds where they would be called *farm raised*. Oysters from public beds and private beds can be from the same source of seed (wild set or hatchery set) and they will be growing in the same water column; therefore they all should be termed *wild raised* or not labeled at all.

Having two definitions for shucked shellfish would require different labeling, and not only cause an unnecessary expense but also result in an insurmountable labeling and recordkeeping nightmare.

I urge you to either keep Section 60.106 as is or eliminate it for oyster processors.

Sincerely,


B.G. Smith Jr.
President